

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

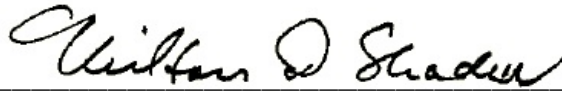
BEVERLY C. MEBANE,)	
)	
Plaintiff,)	
)	
v.)	No. 07 C 939
)	
READY-PAC PRODUCE, INC.,)	
)	
Defendant.)	

MEMORANDUM ORDER

Ready Pac Produce, Inc. ("Ready Pac") has filed its Answer to the Amended Complaint brought against it by Beverly Mebane, who charges Ready Pac with employment discrimination and violation of the Family and Medical Leave Act. This brief memorandum order is occasioned by one flaw in that responsive pleading (to the extent that Mebane's counsel may seek to challenge any other aspects of the Answer or its affirmative defenses, counsel is of course free to do so.

Whenever Ready Pac's counsel sets out a properly-stated disclaimer pursuant to the second sentence of Fed. R. Civ. P. ("Rule") 8(b) to get the benefit of a deemed denial (see Answer ¶¶4, 14 and 16-18), that proper disclaimer concludes inappropriately with the phrase "therefore Ready Pac denies these allegations." That is of course oxymoronic--how can a party that asserts (presumably in good faith) that it lacks even enough information to form a belief as to the truth of an allegation then proceed to deny it in the same objective good faith that is

required by Rule 11(b)? Accordingly the quoted phrase is stricken wherever it appears in the Answer.

A handwritten signature in black ink, reading "Milton I. Shadur". The signature is written in a cursive, flowing style. It is positioned above a horizontal line.

Milton I. Shadur
Senior United States District Judge

Date: April 6, 2007